

From: Allan Macdonald
To: Microsoft ATR
Date: 12/7/01 9:32am
Subject: Judgement

To whom it may concern,

As a Canadian Citizen, the impact of my opinion upon any judgement made in a US court is likely minimal. Nevertheless, I would like to contribute my opinion.

The recent release of Microsoft Windows XP is a good example of why we should be careful of how they package their products. Microsoft's practice of producing applications for its operating system which compete with other application software vendors gives Microsoft a distinct advantage.

Microsoft considers the workings of its software, including its Operating System, Windows, "Intellectual Property"; however, the interface between the Operating System and Application software is supposed to be defined clearly. Yet, we do not know whether or not Microsoft provides an alternative interface, knowledge and understanding of which rests entirely within the Microsoft organization, which may be included under that umbrella of "Intellectual Property". Microsoft internal developers may utilize this "secret" interface rather than the published one when developing application programs that compete with third party developers.

As a result, this gives Microsoft a potential significant advantage over its competitors who are forced to use the published interface specifications to design their software; an interface which may be significantly inferior to the interface used by internal developers.

My suggestion is to order Microsoft to publish its operating system source code, free of charge, and keep the publication up to date. Verification can be made by compiling the source code and comparing the binaries. Copyright can be enforced to protect Microsoft's intellectual property however the material must be released for inspection by competing vendors.

This would remove any special advantage Microsoft has over its competitors in the application software market. Applications would then be judged by the consumer on a level playing field. This would substantially increase the availability and variety of reliable and well-designed application software for the Windows platform, to the great benefit of the consumer. Furthermore, designers of poorly designed software would no longer have the excuse of stating that "we can't help it, its Microsoft's fault" when the

software fails.

Thank you for the opportunity to contribute to this critical decision which will have a world-wide impact.

Regards,

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